

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI**

IN RE: CHARLENE ECHOLS, DEBTOR

CASE NO.: 15-13518

**OBJECTION TO NOTICE OF MORTGAGE PAYMENT CHANGE
[DOCKET 33]**

COMES NOW, Charlene Echols, Debtor herein, by and through her attorney, Hon. C. Gaines Baker, and files this her Objection to the Notice of Mortgage Payment Change pursuant to F.R.B.P. 3002.1, stating unto the Court as follows:

1. Wells Fargo Bank, NA, filed its Notice of Mortgage Payment Change alleging a new monthly mortgage payment in the amount of \$436.82. Based on the Notice of Mortgage Payment Changes, the Debtor's monthly mortgage payment would increase from \$305.20 to \$436.82. Debtor would object to the increase and demand proof as to why the payment has allegedly increased.

2. Debtor alleges the requested increased payment change is a direct result of Wells Fargo Bank, N.A. misapplying payments received by the Chapter 13 Trustee in direct violation of the Order Confirming Chapter 13 Plan and the corresponding Note regarding the Debtor's mortgage loan.

3. Wells Fargo Bank, N.A. is currently being paid through the plan in accordance with the proof of claim it filed with this Court on February 10, 2016 [Claim number 6]. More specifically, Page 12 of this claim filed sets forth a current payment in the amount of \$305.30. Said payment consist of \$239.72 principle and interest and \$65.48 monthly escrow. Debtor would submit this is the Creditors' first Notice of Payment

Change/Escrow analysis subsequent to the initial filing of its claim with the Court.

4. Wells Fargo Bank, N.A. now files this Notice asserting the monthly escrow amount shall increase from \$65.48 to \$197.10. Said increase would result in \$2,365.20 per year available to pay the annual insurance premium and county taxes. Per the escrow review, the annual insurance payment is \$1,060.00 and County taxes payment is \$604.89. Debtor would state and show unto the Court that she is now is exempt from payment of ad valorem taxes relating to the subject property and based on information provided by the Panola County Tax Assessor's Office, she will not owe any monies for 2019 ad valorem taxes.

WHEREFORE, PREMISES CONSIDERED, Debtor prays for the following relief:

- A. The Court order Wells Fargo Bank, N.A. to provide a complete life of loan transactional history for the subject mortgage loan; and
- B. The Court disallow the Notice of Mortgage Payment Change [Docket 7] as filed; and
- C. The Court order Wells Fargo Bank, N.A. to provide a complete escrow breakdown including all amounts creditor alleges will be paid through the escrow account; and
- D. The Court award debtors all relief available under F.R.B.P. 3002.1 including reasonable attorney fees and costs for defending this matter; and

E. The Wage Order not be amended until a ruling has been made on this objection.

F. Debtor prays for such other and further and general relief as the Court deems just and equitable.

Respectfully submitted this the 12th day of March, 2019.

Charlene Echols

by:/s/ C. Gaines Baker

C. GAINES BAKER, 8643

LAW OFFICE OF C. GAINES BAKER
136 Public Square
Baker Building, Suite One
Batesville, MS 38606
(662) 563-9385

CERTIFICATE OF SERVICE

I, C. Gaines Baker, do hereby certify that I have this day electronically filed the above and foregoing Objection to Notice of Payment Change, with the Clerk of the U.S. Bankruptcy Court using the ECF system which sent notification of such filing to the following:

Office of the U.S. Trustee - USTPRegions05.AB.ECF@usdoj.gov
Case Trustee: Locke D. Barkley - sbeasley@barkley13.com
Hon. J. Gary Massey - attorney for Wells Fargo Bank, N.A. -
MSBankruptcy@logs.com

Further, I, C. Gaines Baker, do hereby certify that I have this day forwarded a true and correct copy of the above and foregoing Objection to Notice of Payment Change to Wells Fargo Bank, N.A. 9990 Richmond Avenue, Suite 400S, Houston, TN 77042.

Dated: March 12, 2019

/s/C. Gaines Baker
BY: C. Gaines Baker, MB# 8643

LAW OFFICE OF C. GAINES BAKER
136 Public Square
C.G. Baker Building, Suite One
Batesville, Mississippi 38606
Telephone: (662)563-9385
Facsimile: (662)561-0743